

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN MAXWELL MONTIN, )  
Plaintiff, ) 4:05cv3109  
vs. ) MEMORANDUM AND ORDER  
NANCY MONTANEZ, et al., )  
Defendants. )

This matter is before the court on filing no. 74, the motion by the Plaintiff, John Maxwell Montin, for voluntary dismissal of the above-entitled case, without prejudice. Pursuant to Fed. R. Civ. P. 41(a)(2), the motion is granted.

THEREFORE, IT IS ORDERED:

1. That filing no. 74 is granted, and the above-entitled case is dismissed, without prejudice, at the plaintiff's request;
2. That judgment will be entered accordingly; and
3. That any defendant who objects to the terms of the dismissal has the right to file a Motion to Alter or Amend Judgment within the deadline specified in Fed. R. Civ. P. 59(e).

September 27, 2006.

BY THE COURT

*s/ Richard G. Kopf*  
United States District Judge